

From: Weinstein, Marc A.
To: Joseph LoPiccolo; McGoey, John
Cc: Maguire, Bill; Oxford, Neil; Daniella Dalia; Anthony Almeida; John N. Poulos
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass
Date: Friday, March 25, 2022 11:33:45 AM
Attachments: image001.png

Joe, SKAT is still interested in settlement discussions. We are doing our best to have all settlement overtures considered and responded to as soon as possible, but I can't put a specific date on responses.

Marc A. Weinstein | Partner
Chair, White Collar Defense

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marc.weinstein@hugheshubbard.com

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Tuesday, March 22, 2022 4:26 PM
To: McGoey, John <john.mcgoy@hugheshubbard.com>; Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Maguire, Bill <bill.maguire@hugheshubbard.com>; Oxford, Neil <neil.oxford@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc - Is SKAT still interested in settlement? We are now going on 2 ½ months since we sent you financial packages for Protass and Kertilits and almost 3 ½ months since we sent you Mr. Petkov's financial package and offer.

When can we expect any sort of response?

Joseph LoPiccolo | Shareholder

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From: Joseph LoPiccolo
Sent: Friday, March 11, 2022 4:47 PM
To: McGoe, John <john.mcgoey@hugheshubbard.com>; Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Maguire, Bill <bill.maguire@hugheshubbard.com>; Oxford, Neil <neil.oxford@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

John – We sent you separate offers for each of our clients. Mitch has 2 stand alone cases that don't include any other defendants. Tom has 1 standalone case that doesn't include any other defendants. Thus, I really don't understand what you mean by "overall approach to such offers on a going-forward basis."

It has now been 2 months since they each provided you their financial transparency packages. While we appreciate SKAT giving these settlements a great deal of consideration, we are having trouble understanding why it takes months to get a response to an offer for one case involving one defendant. SKAT's long delays just cause our clients to incur more and more fees they can't afford.

What does "additional time" mean?

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From: McGoey, John <john.mcgoey@hugheshubbard.com>
Sent: Thursday, March 10, 2022 10:25 PM
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>; Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Maguire, Bill <bill.maguire@hugheshubbard.com>; Oxford, Neil <neil.oxford@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Joe,

SKAT has been giving a great deal of consideration to these settlement offers and its overall approach to such offers on a going-forward basis. We will therefore need some additional time before presenting counter-offers.

Thanks,
John

John McGoey | Counsel

Hughes Hubbard & Reed LLP

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Thursday, March 10, 2022 9:09 PM
To: McGoey, John <john.mcgoey@hugheshubbard.com>; Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Maguire, Bill <bill.maguire@hugheshubbard.com>; Oxford, Neil <neil.oxford@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: Re: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

John - tomorrow is the end of the week. I'm assuming we'll have counteroffers from SKAT tomorrow?

Joseph LoPiccolo / Shareholder

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On Mar 3, 2022, at 11:15 AM, Joseph LoPiccolo <lopiccolo@pllawfirm.com> wrote:

What about Svetlin Petkov? It has now been a month since Marc said you can move forward with your client with Svetlin's updated settlement proposal.

Joseph LoPiccolo / Shareholder

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From: McGoey, John <john.mcgoey@hugheshubbard.com>

Sent: Wednesday, March 2, 2022 9:37 PM

To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>; Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Cc: Maguire, Bill <bill.maguire@hugheshubbard.com>; Oxford, Neil <neil.oxford@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Joe,

We expect to provide counteroffers for both Messrs. Protass and Kertelits next week.

Thanks,
John

John McGoey | Counsel

Hughes Hubbard & Reed LLP

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>

Sent: Tuesday, March 1, 2022 11:43 AM

To: McGoey, John <john.mcgoey@hugheshubbard.com>; Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Cc: Maguire, Bill <bill.maguire@hugheshubbard.com>; Oxford, Neil <neil.oxford@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc/John – we are now approaching a month since we responded to your follow-up questions and almost 2 months since we first sent you all the financial documents you requested. When can we expect a response?

We can't continue with the passing of months to get a response to our offers. Our clients engaged in negotiations because they want to stop the bleeding and put this MDL behind them. Mr. Protass's initial offer letter was sent in 2020. Same with Mr.

Kertelits's offer. We continue to follow up and after numerous follow ups, you finally respond with a request for additional very basic information. For instance, we provided you Mr. Kertelits's financial information on January 13. I followed up on February 3. No response. I followed up again on February 8. No response. I followed up again on February 14. No response. On February 17, you then, for the first time, requested the address of his 2 homes and when they were purchased. This is completely unreasonable. Again, this is exactly why I suggested mediation. Without control dates set by a mediator or Judge, it appears SKAT doesn't view these cases as a priority.

If we don't have responses by close of business Thursday, we will request Judge Kaplan order mediation.

Joe

Joseph LoPiccolo | Shareholder

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From: Joseph LoPiccolo

Sent: Friday, February 4, 2022 12:01 PM

To: McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawnfirm.com>; Anthony Almeida <almeida@pllawnfirm.com>; John N. Poulos <poulos@pllawnfirm.com>

Cc: Maguire, Bill <bill.maguire@hugheshubbard.com>; Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>; Oxford, Neil <neil.oxford@hugheshubbard.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

John – see responses in red below.

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From: McGoey, John <john.mcgoy@hugheshubbard.com>

Sent: Thursday, February 3, 2022 3:46 PM

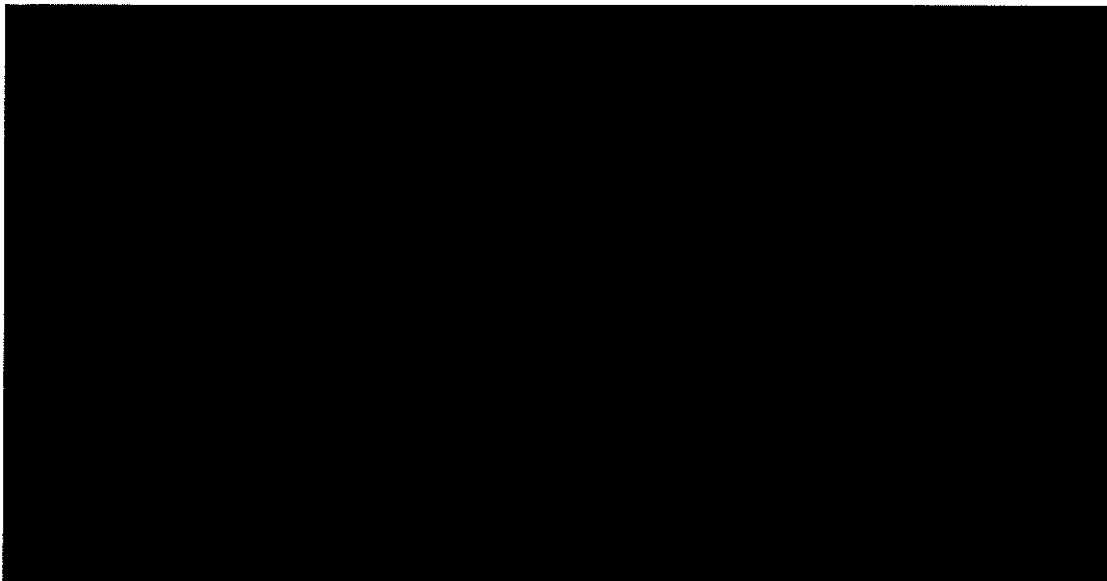
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>; Daniella Dalia <ddalia@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>

Cc: Maguire, Bill <bill.maguire@hugheshubbard.com>; Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>; Oxford, Neil <neil.oxford@hugheshubbard.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Hi all,

Here are the questions we had regarding Mr. Protass's financial package:



[REDACTED]

Thanks,
John

John McGoey | Counsel

Hughes Hubbard & Reed LLP

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Sent: Thursday, February 3, 2022 11:23 AM

To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoy@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; John N. Poulos <poulos@pllawfirm.com>;

Anthony Almeida <almeida@pllawfirm.com>; Daniella Dalia <ddalia@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Joe, I believe John will be sending some follow up questions for you today.

Marc A. Weinstein | Partner
Chair, White Collar Defense

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marc.weinstein@hugheshubbard.com

From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>

Sent: Thursday, February 3, 2022 10:19 AM

To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoy@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; John N. Poulos <poulos@pllawfirm.com>;

Anthony Almeida <almeida@pllawfirm.com>; Daniella Dalia <ddalia@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

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Marc – any response here?

Joseph LoPiccolo | Shareholder

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From: Joseph LoPiccolo

Sent: Wednesday, January 12, 2022 7:22 PM

To: 'Weinstein, Marc A.' <marc.weinstein@hugheshubbard.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoey@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; John N. Poulos <poulos@pllawfirm.com>;

Anthony Almeida <almeida@pllawfirm.com>; Daniella Dalia <ddalia@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Marc,

Attached is the financial transparency package for Mitch and Maryanne Protass.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It is impossible to attach a dollar value to the overall losses and limitations as a result of being named in this action. As for damages, it can easily be argued that the Protass family has suffered more proportionately than SKAT, having their lives turned upside down with insurmountable debt and unknowing outcome of this enormous action they are stuck in by virtue of proximity. For instance, Mitch completed his Certified Financial Planner (CFP) professional exam in 2021, but the CFP Board will not permit the use of the designation until these claims have been resolved. He will not be considered for promotion and must continue to report to his compliance officer fearing that at any point he will lose his job. Likewise, as a result of the specific allegations of the claims, Mr. and Mrs. Protass cannot obtain life insurance to protect their family. As mentioned, they are unable to obtain a mortgage as no lender will consider their application with these allegations pending. The Protasses have certainly suffered for many years here for what they believed was a legitimate investment.

Accordingly, with these additional facts and their financial transparency package, we now hope SKAT would seriously consider Mr. and Mrs. Protass's latest offer to settle all claims against Mitch Protass and his pension plans and any potential claims against Maryann Protass [REDACTED], which is more than they actually received from the scheme.

Thanks,

Joe

Joseph LoPiccolo | Shareholder

Poulos LoPiccolo PC

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Sent: Friday, January 7, 2022 12:13 PM
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; Daniella Dalia <ddalia@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Thanks Joe. Yes, we can put off the responses.

Marc A. Weinstein | Partner
Chair, White Collar Defense

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Friday, January 7, 2022 11:57 AM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; Daniella Dalia <ddalia@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc – I spoke to our clients. Both Mr. Protass and Mr. Kertelits are gathering their financials and we plan to have them to you by early next week. Can we put off responses to the interrogatories and requests for admission?

Best,

Joe

Joseph LoPiccolo | Shareholder

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Sent: Thursday, January 6, 2022 3:19 PM
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; Daniella Dalia <ddalia@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Joe:

Our position on mediation has been clear and reasonable. SKAT will consider mediation on a case-by-case basis after good faith efforts on both sides to settle a particular case through direct negotiations. If, as part of such settlement discussions, a defendant intends to assert financial hardship or inability to pay, SKAT will consider those factors but requires financial transparency to make an informed decision. At the last court conference Judge Kaplan recognized that such transparency would be part of any settlements, and we have been able to resolve three cases with your clients on that basis to date. We don't understand what it means that Mr. Kertelits and Mr. Protass are willing to provide financials, but only "through a mediator." Whether in direct discussions or in mediation, SKAT will need to see the financial documentation for itself. We can't advise our client to incur the costs of mediation until after good faith negotiations have been attempted (which, as noted above, include financial transparency when ability to pay is at issue) and unless it's clear to us that we will be

receiving the financial documentation directly from you. We need that information in advance of any mediation in order to come to the mediation table with a reasonable starting point.

With respect to the December 21 email below, we do not believe that sweeping generalizations across your client pool are helpful to resolving particular cases. We have heard your team on those issues a number of times. Going forward, if we are going to have settlement discussions, we need to discuss specific facts for particular claims and defendants.

Regards,
Marc

Marc A. Weinstein | Partner
Chair, White Collar Defense

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Wednesday, January 5, 2022 10:02 AM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoye@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>; Daniella Dalia <ddalia@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc – following up on the below. As we state below, Mr. Kertelits and Mr. Protass are interested in continuing settlement talks and are willing to disclose financials but would like to do it through a mediator. Please let me know if SKAT is still considering that. If they are, please confirm that responses to discovery are extended while we continue to try to resolve these cases. Otherwise, we will need to write to Kaplan requesting mediation.

Thanks,

Joe

Joseph LoPiccolo | Shareholder

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Toll Free +1 800.757.2304 | lopiccolo@pllawfirm.com | www.pllawfirm.com

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From: Daniella Dalia <ddalia@pllawfirm.com>
Sent: Tuesday, December 21, 2021 12:26 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>; Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoy@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: Re: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Marc,

Maybe we need to clarify the issues - inability to pay versus financial hardship. As to certain defendants, financial hardship is the issue, i.e., these people are not able to pay anywhere near what SKAT wants from them or even what they received. As with most of our clients, there is no way that many of these people will ever be able to pay back what they received. Others will never be able to settle for anywhere near what your client wishes to "recoup." They are not wealthy people. Most of our clients are everyday professionals - not extremely wealthy bankers with enormous reserves to endure litigation of this magnitude. Our clients realize that should they continue litigation that they will most certainly be in financial hardship without any ability to afford the basics. They are choosing settlement to avoid insolvency. These are not the people at the Rosilene Anderson level. These are the people that are like us - professionals that must work for a living and simply cannot afford to be in this type of litigation financially, mentally, or physically.

For example, one of our clients chosen for a bellwether had recent heart attack and was just diagnosed with colon cancer. He's not even 50 years old and is the sole earner for his family. He has no assets. He has a paycheck. We are preparing a settlement proposal because he will be dead from the stress before the summary judgment motions are even briefed. I promise, there is no hidden [REDACTED] type with a billion-dollar hedge fund amongst this group.

You said that you had no desire to make anyone go broke. These people will go broke if they continue and frankly, they are scared - not because they did wrong or believe they are liable to SKAT. They know they cannot withstand the litigation and fear for their families' futures. We are pushing for transparency to those that want settlement, but they are petrified. There is no other way to put it. Continuing against these people to end up with a worthless judgment will likely not satisfy your client, either.

Do you have time for a quick call? I hate the expression "to move the needle," but maybe a frank discussion will do just that. Let us know.

Regards,
Daniella

From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Sent: Tuesday, December 21, 2021 11:02 AM

To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoey@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N.

Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Joe, as we have stated all along, if any defendant's settlement position is driven, at least in part, on a claimed inability to pay a larger amount, then SKAT requires transparency on the financial condition of that defendant in order to assess the settlement offer and potentially resolve the case through settlement. That will be necessary whether we negotiate directly, as we have done successfully with a number of your clients, or through mediation. SKAT will not be able to settle any case involving a claimed inability to pay by accepting representations of a mediator without direct access to the underlying financial information. In order to make a potential mediation process productive, we need that information in advance.

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marc.weinstein@hugheshubbard.com

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Monday, December 20, 2021 10:52 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoe, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Yes — [REDACTED]. I'm confused, because on our last call you said we were at a place with Protass and Kertelits where it made sense to move to mediation. In fact, SKAT didn't even counter Protass's latest offer. You simply said we should just go to mediation because we are so far apart. They would be willing to share financials with the mediator, which I think would be a very productive way to move forward in this situation. And we wouldn't have to wait until the actual day of mediation. We can share financials with the mediator well in advance of the actual mediation. Then the mediator can have some preliminary calls with both sides in advance of the mediation regarding financials and any other issue.

Plus, like I said, I suspect we will need a mediator for others. So, why not get a mediator set up now who we can send cases to when necessary?

Joseph LoPiccolo | Shareholder

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Sent: Monday, December 20, 2021 9:29 PM
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Joe,

Before we can determine whether this is the appropriate stage for mediation, we need to understand whether Mr. Protass or Mr. Kertelits is claiming an inability to pay as a factor in rejecting SKAT's last settlement offer. To the extent either is claiming an inability to pay as a factor, we need documentation of his financial condition. Without such documentation, or confirmation that inability to pay is not a factor in the settlement discussions, mediation will not be productive.

Regards,
Marc

Marc A. Weinstein | Partner
Chair, White Collar Defense

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Monday, December 20, 2021 4:57 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N.

Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc – following up on the request for mediation of the Protass and Kertelits cases.

Joseph LoPiccolo | Shareholder

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Sent: Tuesday, December 14, 2021 12:47 PM

To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoy@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N.

Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Joe, that's fine.

Marc A. Weinstein | Partner

Chair, White Collar Defense

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marc.weinstein@hugheshubbard.com

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>

Sent: Tuesday, December 14, 2021 10:40 AM

To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoey@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N.

Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc – considering Kertelits and Protass are attempting to settle via a mediation, can we put them in the group who has until January 10 to respond to interrogatories and RFAs?

Joseph LoPiccolo | Shareholder

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From: Joseph LoPiccolo

Sent: Monday, December 13, 2021 12:35 PM

To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoey@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Marc – I confirmed that Kertelits would like to mediate too.

Please let me know when you can.

Thanks,

Joe

Joseph LoPiccolo | Shareholder

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From: Joseph LoPiccolo
Sent: Friday, December 10, 2021 4:17 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Marc – Mitch Protass would like to move to mediation. I may have others, such as Tom Kertelits, who would also like to participate in mediation. You had mentioned on our last call that SKAT is amenable to moving to mediation for these individuals. Can we start the process of selecting a mediator and determining when that mediator is available? As I mentioned below, we are recommending Judge Stephen Orlofsky - <https://www.blankrome.com/people/stephen-m-orlofsky>. We have had a lot of

success with him in resolving major class actions. We also plan to submit settlement proposals of others. And its very possible we might need to resort to a mediator to get the deal done on those others. So, it would be good to have a mediator ready to send cases to if and when necessary.

Please let me know. Have a great weekend!

Joe

Joseph LoPiccolo | Shareholder

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Sent: Monday, December 6, 2021 3:15 PM
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoe, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Joe, can you chat on Wednesday at 11am?

Marc A. Weinstein | Partner
Chair, White Collar Defense

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>

Sent: Monday, December 6, 2021 10:28 AM

To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoey@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N.

Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc – following up on the below. Let me know when you have time.

Joseph LoPiccolo | Shareholder

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From: Joseph LoPiccolo

Sent: Wednesday, December 1, 2021 7:47 PM

To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoey@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N.

Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Marc – thanks for the courtesy. Let me know if you have time for a quick call tomorrow to discuss Protass and Kertelits.

Joseph LoPiccolo | Shareholder

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Sent: Wednesday, December 1, 2021 4:37 PM

To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoy@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N.

Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>

Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Joe:

We are amenable to the following:

For Driscoll, Vergari, and LaChance, we will extend indefinitely to permit settlement discussions to continue. For Protass and Kertelits, we do not think extending indefinitely makes sense, given the state of settlement discussions with them, but we will extend their deadlines two weeks. For Lehman and Bradley we will extend for two weeks. And for those who are putting together settlement offers we will extend to January 10.

Regards,

Marc

Marc A. Weinstein | Partner
Chair, White Collar Defense

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marc.weinstein@hugheshubbard.com

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Tuesday, November 30, 2021 4:18 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc – I'd also like to confirm that for those in settlement negotiations, SKAT has agreed to extend the time to respond to interrogatories and RFAs until some time after settlement negotiations should the case(s) not result in a settlement. Currently that would apply to:

Driscoll
LaChance
Protass
Vergari
Kertelits

Others are in the process of putting together settlement offers. In fact, we plan to submit a settlement offer on behalf of Svetlin Petkov today or tomorrow. Thus, we are requesting an extension of time to respond to interrogatories and requests for admission to give our clients time to put together settlement offers who are not already in settlement discussions. I'd say 30 days, but with the holidays coming up, can we get until mid-January? And with the understanding that Roger Lehman's and Doston Bradley's cases may very well get selected as bellwethers for summary

judgment, can we get just a 2-week extension for their responses.

Thanks,

Joe

Joseph LoPiccolo | Shareholder

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From: Joseph LoPiccolo

Sent: Monday, November 29, 2021 10:54 PM

To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John

<john.mcgoy@hugheshubbard.com>; Maguire, Bill

<bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N.

Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>

Subject: Re: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

Thanks for the update, Marc. At this point Mr. and Mrs. Protass do not want to share their financials.

Mr. Kertelits would still like to use the mediation process to attempt to resolve his case.

If anything changes, I'll let you know.

Joseph LoPiccolo / Shareholder

Poulos LoPiccolo PC

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Office [+1 732.757.0165](tel:+17327570165) | Direct [+1 732.837.3435](tel:+17328373435) | Fax [+1 732.358.0180](tel:+17323580180)

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On Nov 29, 2021, at 6:10 PM, Weinstein, Marc A.
<marc.weinstein@hugheshubbard.com> wrote:

Joe:

We are having internal discussions on the pending settlement offers this week. Are you able to provide financial documentation for the Protasses this week? Also, are you planning to make a counter-offer on behalf of Mr. Kertelits?

Thanks,
Marc

Marc A. Weinstein | Partner
Chair, White Collar Defense

Hughes Hubbard & Reed LLP
One Battery Park Plaza, 17th floor | New York | NY 10004-1482
Office [+1 \(212\) 837-6460](tel:+12128376460) | Cell [+1 \(646\) 537-5750](tel:+16465375750) | Fax [+1 \(212\) 299-6460](tel:+12122996460)
marc.weinstein@hugheshubbard.com

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From: Joseph LoPiccolo <lopiccolo@pllawnfirm.com>

Sent: Wednesday, November 17, 2021 4:27 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pillawfirm.com>; John N. Poulos <poulos@pillawfirm.com>; Anthony Almeida <almeida@pillawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - Mitch Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc,

Following up on the below request to mediate Mr. Protass's and Mr. Kertelitis's cases. Moreover, to keep the ball moving while we attempt to mediate, Mr. and Mrs. Protass, on behalf of Mr. Protass's cases and any potential claims against Mrs. Protass, [REDACTED]

[REDACTED]

[REDACTED]

Please let me know if your clients are amenable. And please let me know one way or the other if SKAT is willing to start the mediation process. As we have mentioned, we do not want to waste time and money on litigation if we can resolve cases. The litigation schedule is very aggressive over the next couple of months and my clients will not be able to withstand the costs of litigation and settlement.

Thanks,

Joe

Joseph LoPiccolo | Shareholder

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311 West 43rd Street, Ste 124 | New York, NY 10036
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From: Joseph LoPiccolo
Sent: Monday, November 15, 2021 3:34 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoy@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - John LaChance

Regarding Jepsen, as far as I am aware, he is not a defendant in any action. And as mentioned below, Mr. Protass and Mr. Kertelits would like to continue settlement negotiations but with a mediator. Let me know if SKAT is amenable to mediating their cases using Judge Orlofsky. And of course if any other clients would like to mediate, we'd hope SKAT would have no objection to them joining the mediation process too.

Also, I appreciate the courtesy of extending time to respond to any interrogatories and requests for admission while parties try to resolve their cases.

Thanks,

Joe

Joseph LoPiccolo | Shareholder

Poulos LoPiccolo PC
311 West 43rd Street, Ste 124 | New York, NY 10036
Office +1 646.931.0011 | Fax +1 732.358.0180
Toll Free +1 800.757.2304 | lopiccolo@pllawfirm.com | www.pllawfirm.com

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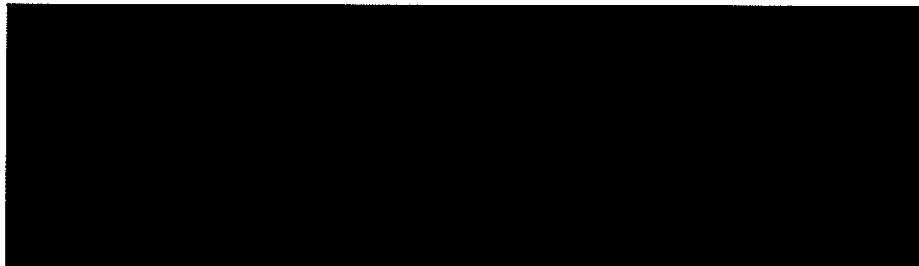
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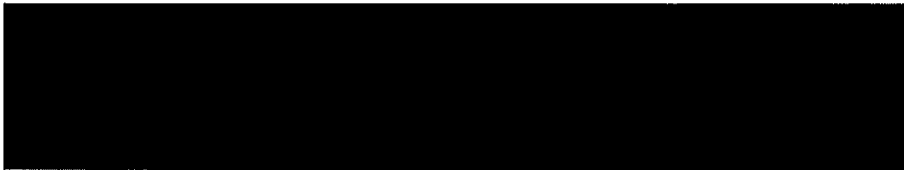
From: Anthony Almeida <almeida@pllawfirm.com>
Sent: Monday, November 15, 2021 3:15 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>; Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - John LaChance

F.R.E. 408 Inadmissible Communication

Marc,

Regarding Sean Driscoll:





Let's keep this momentum going and try to reach a resolution soon.

Thank you,

Anthony S. Almeida / Litigation Counsel

Poulos LoPiccolo PC

1305 South Roller Rd. / Ocean, NJ 07712
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Toll Free +1 800.757.2304 | almeida@pllawfirm.com |
www.pllawfirm.com

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Office +1 646.931.0011

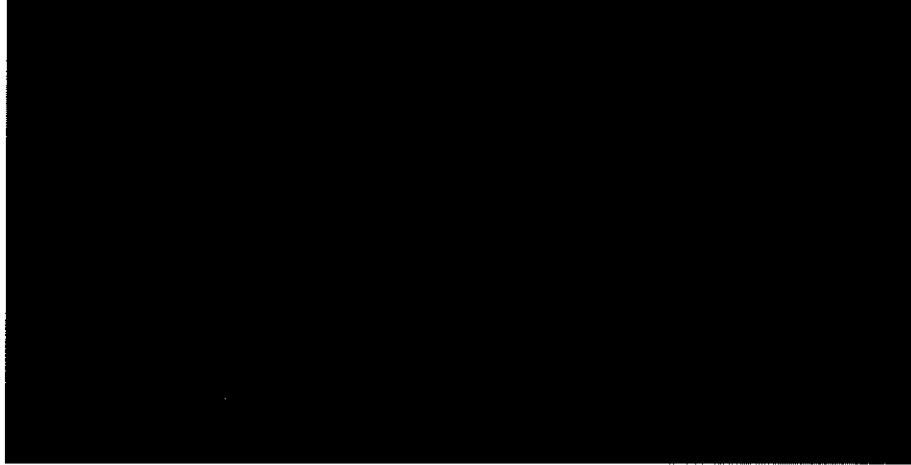
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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Sent: Monday, November 15, 2021 2:15 PM
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - John LaChance

Joe:

As a reminder, we have not received any response to our October 14 settlement communications for three of your six clients: Mr. Jepsen, Mr.

Kertelits, and Mr. Protass. With respect to Mr. Driscoll, Mr. Vergari, and Mr. LaChance, we are reviewing the financial information you provided and performing our own diligence on it. To that end, for Mr. Driscoll, can you let us know the following:



With respect to any of your clients from whom we've received current financial information and/or a settlement counter-offer, we are willing to extend the time by which they would otherwise have to serve responses to the interrogatories and requests for admission so that they do not need to spend resources on those responses while we pursue settlements. We can do so with Mr. Kertelits and Mr. Protass as well if they intend to make a counter-offer to our October 14 settlement offer.

Regards,
Marc

Marc A. Weinstein | Partner
Chair, White Collar Defense

Hughes Hubbard & Reed LLP
One Battery Park Plaza, 17th floor | New York | NY 10004-1482
Office +1 (212) 837-6460 | Cell +1 (646) 537-5750 | Fax +1 (212) 299-6460
marc.weinstein@hugheshubbard.com

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>

Sent: Friday, November 12, 2021 7:47 PM

To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>

Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Maguire, Bill <bill.maguire@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - John LaChance

CAUTION: This email was sent by someone outside of the Firm.

Marc – it doesn't look like trying to resolve these cases between us is working out. We sent you Sean Driscoll's financials as you requested almost 3 weeks ago to determine if he was eligible for a Rosilene Anderson type settlement, followed up multiple times and we haven't heard anything. We also are awaiting a response from SKAT as to whether they will offer Mr. Vergari the same structure that was offered to Ms. Anderson. And, per the below, Mr. LaChance's counteroffer is also outstanding. But the amount of time it is taking for a response as to whether SKAT is simply willing to offer Mr. Driscoll and Mr. Vergari the same structure that was offered to Ms. Anderson doesn't really bode well for response time for others. As I mentioned, the whole reason our clients would like to make a good faith effort to settle is because they want to stop the bleeding of the cost of litigation. As you are well aware, they are faced with having to respond to interrogatories and requests for admission SKAT recently served on us as well as all of the impending summary judgment deadlines. Thus, an expeditious good faith attempt to settle here is critical as I made clear on October 5.

Therefore, we are requesting mediation. In particular, Mr. Protass and Mr. Kertelits would like to move forward with mediation. They have been attempting to settle for a year now and SKAT has provided no indication that they will negotiate over the course of a reasonable time frame unless they are faced with some sort of impending deadline (i.e., not settling with Rosilene Anderson until the eve of trial). And to the extent any other case we've been attempting to settle is not resolved soon, we'd like to add them to the mediation process too.

For mediation, we are proposing Judge Stephen Orlofsky - <https://www.blankrome.com/people/stephen-m-orlofsky>. We have had a lot of success with him in resolving major class actions. If we do not hear from you by Monday, per Judge Kaplan's instructions to me at the October 5 conference, we will write to him, summarizing our attempt to resolve cases to date and request that he Order mediation.

Have a good weekend.

Joe

Joseph LoPiccolo | Shareholder

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From: Joseph LoPiccolo
Sent: Tuesday, November 9, 2021 2:26 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: F.R.E. 408 INADMISSIBLE COMMUNICATION - SKAT - John LaChance

F.R.E. 408 Inadmissible Communication

Marc,

I spoke to Mr. LaChance. [REDACTED]
[REDACTED] I have also attached financial statements supporting the chart below. This includes his mortgage statements for each home (both with a 1st and 2nd mortgage). Moreover, please note, he currently has 2 kids in college which adds significantly to his monthly expenses.

Please let me know if SKAT is amenable to resolving this matter for

[REDACTED]

Happy to discuss.

Best,

Joe

Joseph LoPiccolo | Shareholder

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Sent: Tuesday, November 9, 2021 11:44 AM
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: SKAT - settlement discussions with Kertelits/LaChance/Protass

Thanks Joe. As mentioned on the call, we will need a counteroffer from you for Mr. Lachance. In addition, our client will need the documents requested concerning the financial information below. While the summary is helpful to see up front, ultimately our client needs to make the decisions based on documentation rather than just a representation from Mr. LaChance.

Regards,

Marc

Marc A. Weinstein | Partner
Chair, White Collar Defense

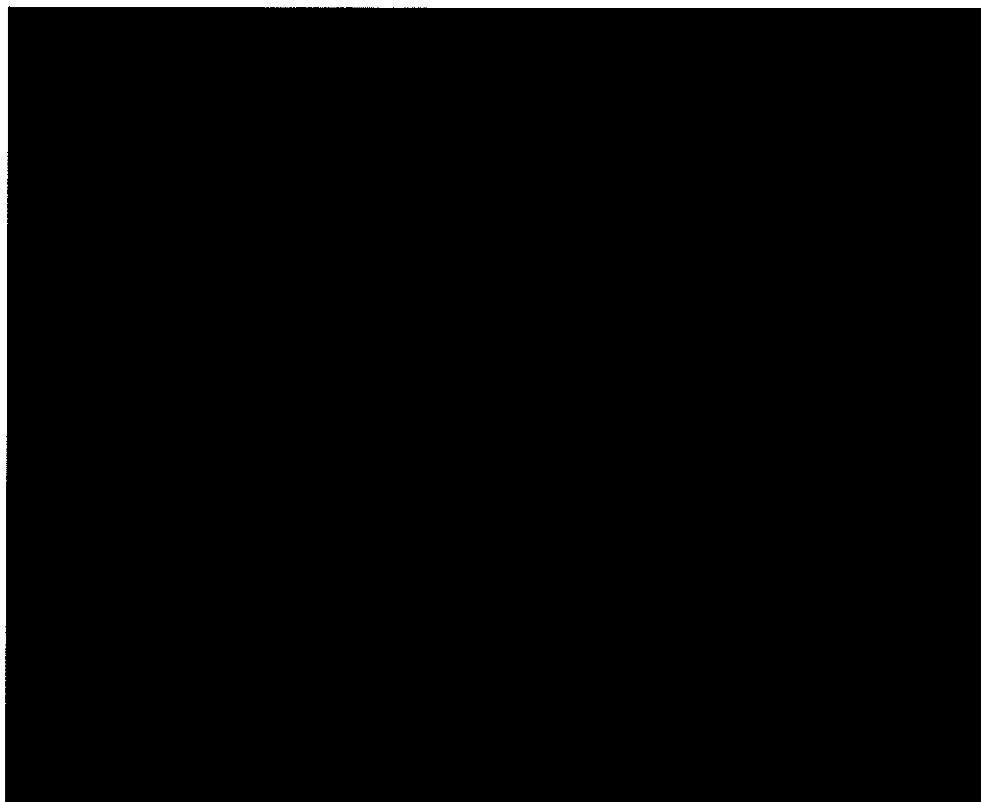
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marc.weinstein@hugheshubbard.com

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Friday, November 5, 2021 10:54 AM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>; Anthony Almeida <almeida@pllawfirm.com>
Subject: RE: SKAT - settlement discussions with Kertelits/LaChance/Protass

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Marc – John Lachance put together this chart showing an overview of his financial picture:



Let me know if this will facilitate negotiations towards a number that is more reasonable based on Mr. LaChance's financial situation.

We'd really like to keep this process moving for Mr. LaChance and others. As I said, litigation dates are coming up fast and you just served us with those Rgs and Requests for Admissions. Thus, I'd like to know as soon as possible if we can resolve these cases as I'd rather not have to spend more time, and my clients' money, on litigation if we can ultimately get these cases resolved.

Thanks,

Joe

Joseph LoPiccolo | Shareholder

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Sent: Wednesday, November 3, 2021 10:56 AM
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: RE: SKAT - settlement discussions with Kertelits/LaChance/Protass

Joe, I just sent a Teams invite for our call. I can forward that to Daniella and/or John if they are going to join.

Marc A. Weinstein | Partner
Chair, White Collar Defense

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Sent: Tuesday, November 2, 2021 3:56 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: RE: SKAT - settlement discussions with

Kertelits/LaChance/Protass

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Ok – call you then.

Joseph LoPiccolo | Shareholder

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From: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Sent: Tuesday, November 2, 2021 3:52 PM
To: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: RE: SKAT - settlement discussions with Kertelits/LaChance/Protass

Sure thing.

Marc A. Weinstein | Partner
Chair, White Collar Defense

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One Battery Park Plaza, 17th floor | New York | NY 10004-1482
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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Tuesday, November 2, 2021 3:51 PM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: RE: SKAT - settlement discussions with Kertelits/LaChance/Protass

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Marc – we still on for tomorrow at 11 to discuss?

Joseph LoPiccolo | Shareholder

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From: Joseph LoPiccolo
Sent: Monday, October 25, 2021 8:12 AM
To: Weinstein, Marc A. <marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>

Subject: Re: SKAT - settlement discussions with
Kertelits/LaChance/Protass

That works.

Joseph LoPiccolo / Shareholder

Poulos LoPiccolo PC

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On Oct 25, 2021, at 8:04 AM, Weinstein, Marc A.
<marc.weinstein@hugheshubbard.com> wrote:

How is 11am on Nov. 3?

Marc A. Weinstein | Partner
Chair, White Collar Defense

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From: Joseph LoPiccolo <lopiccolo@pllawfirm.com>
Sent: Monday, October 25, 2021 7:55 AM
To: Weinstein, Marc A.
<marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil <neil.oxford@hugheshubbard.com>;
McGoey, John <john.mcgoey@hugheshubbard.com>;
Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos
<poulos@pllawfirm.com>
Subject: Re: SKAT - settlement discussions with
Kertelits/LaChance/Protass

CAUTION: This email was sent by someone outside of the Firm.

Sure - let's shoot for early next week.
Let me know what works for you.

Joseph LoPiccolo / Shareholder

Poulos LoPiccolo PC

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On Oct 24, 2021, at 10:11 AM, Weinstein, Marc A. <marc.weinstein@hugheshubbard.com> wrote:

Joe, I'm in trial all of this week. Can we pick a time early the following week?

Marc A. Weinstein | Partner
Chair, White Collar Defense

Hughes Hubbard & Reed LLP
One Battery Park Plaza, 17th floor | New York | NY 10004-1482
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From: Joseph LoPiccolo
<lopiccolo@pllawfirm.com>
Sent: Friday, October 22, 2021 4:58 PM
To: Weinstein, Marc A.
<marc.weinstein@hugheshubbard.com>
Cc: Oxford, Neil
<neil.oxford@hugheshubbard.com>; McGoey, John <john.mcgoey@hugheshubbard.com>; Daniella Dalia <ddalia@pllawfirm.com>; John N. Poulos <poulos@pllawfirm.com>
Subject: RE: SKAT - settlement discussions with Kertelits/LaChance/Protass

CAUTION: This email was sent by someone outside of the Firm.

Marc – let me know when you are available to discuss the offers to these individuals.

Thanks,

Joe

Joseph LoPiccolo | Shareholder

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From: Weinstein, Marc A.
<marc.weinstein@hugheshubbard.com>
Sent: Thursday, October 14, 2021 9:04 AM
To: Joseph LoPiccolo
<lopiccolo@pllawfirm.com>; Daniella Dalia
<ddalia@pllawfirm.com>
Cc: Oxford, Neil
<neil.oxford@hugheshubbard.com>; McGoey, John
<john.mcgoey@hugheshubbard.com>
Subject: SKAT - settlement discussions with Kertelits/LaChance/Protass

Joe and Daniella:

With respect to the settlement offers of Thomas Kertelits, John LaChance, and Mitchell

Protass, as noted previously, SKAT cannot
accept their offers. [REDACTED]

Regards,
Marc

Marc A. Weinstein | Partner
Chair, White Collar Defense

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